



MILWAUKEE POLICE DEPARTMENT

LAW ENFORCEMENT SAFETY ACT CERTIFICATION POLICY

GENERAL ORDER: 2010-38

ISSUED: December 30, 2010

EFFECTIVE: January 2, 2011

ACTION: Creation of L.E. Safety Act Certification Policy

I. PURPOSE

The United States Congress has passed legislation (hereinafter referred to as the Law Enforcement Safety Act) authorizing qualified former law enforcement officers to carry a concealed firearm under certain conditions. The purpose of this policy is to set out the procedures by which Milwaukee Police Department retirees may become certified to carry a concealed firearm.

II. DEFINITIONS:

Notwithstanding the definitions stated in Milwaukee Police Department rules and procedures, the definitions listed below are intended to be limited to this policy.

Police Member: Refers to sworn law enforcement officers employed by the Milwaukee Police Department regardless of rank or assignment. All Milwaukee Police Department police members are fully sworn and certified law enforcement officers with powers of arrest and authorized to carry firearms as part of their duties.

Qualified Retired Law Enforcement Officer in Good Standing: Refers to police members who retired from the Milwaukee Police Department after having reached the years of service and other criteria set by the City of Milwaukee Employee Retirement System (ERS), are eligible to receive a service retirement allowance and, at the time of their separation, were active duty employees who were not the subject of a serious internal, administrative or criminal investigation, were not under discipline or pending discipline, whose separation was not part of a settlement agreement and whose separation was not due to mental instability.

Law Enforcement Safety Act Identification Card: Refers to the identification card required for retired law enforcement officers as described in U.S.C. Title 18, Chapter 44, Section 926C (1)(d).

III. DETERMINATION OF ELIGIBILITY

- A. Eligible retirees may request Law Enforcement Safety Act certification either upon retirement or anytime thereafter. The Human Resources Division will determine eligibility. At a minimum, the retiree must:
1. Have served as a certified law enforcement officer for a minimum of 15 years, and;
 2. Have retired in good standing, and;
 3. Be eligible to receive a service retirement allowance. A service retirement allowance is defined by the Milwaukee City Charter Chapter 36-05 and excludes separation due to disability or mental instability. The Chief of Police may, at his/her discretion, consider a request for certification from a member that has separated due to a duty disability that is not due to mental instability.
- B. In addition, the retiree shall have the following qualifications:
1. Successful completion of a criminal background check at retiree's expense with no criminal convictions after retirement.
 2. Successful completion of a local agency background check at the retiree's expense with no municipal or local agency traffic and/or non-traffic convictions for offenses related to violence, alcohol or drugs, or moral turpitude after retirement.
 3. Actual bona fide residency within the State of Wisconsin.
- C. Qualified retirees who have been retired for over one year must successfully complete the Milwaukee Police Department firearms qualification course to receive Law Enforcement Safety Act certification.
1. The course measures the shooter's ability and proficiency with a firearm.
 2. The course includes timed elements that test firearm fundamentals.
- D. Qualified retirees who request a Law Enforcement Safety Act certification within one year of retirement will not have to complete the firearms course during this first year. However, retirees must still complete the Law Enforcement Safety Act Registration Form, Background Questionnaire and a release, waiver of liability and assumption of risk agreement. The certification date on the card will reflect the date of retirement, the expiration of the certification and the manufacturer and model of firearm used while on the Milwaukee Police Department. This certification is subject to a processing fee. The retiree certification course will have to be completed in subsequent years.

- E. This policy does not permit retired members who are employed in a civilian capacity by the Milwaukee Police Department the ability to carry a firearm while on-duty.
- F. The Chief of Police may deny any request for retiree certification for any reasonable cause, including reasons or qualifications not specifically identified in this policy.
- G. The Chief of Police, or the Fire and Police Commission, upon notice to the Chief of Police, may revoke a certification at any time for any reasonable cause, including reasons or qualifications not specifically identified in this policy.

IV. PROCEDURE FOR CERTIFICATION

The Milwaukee Police Department will periodically host a firearms qualification session for retirees.

A. RETIREE RESPONSIBILITIES

1. Complete a Law Enforcement Safety Act Registration Form and Background Questionnaire.
2. Read and sign a release, waiver of liability and assumption of risk agreement that contains at minimum the following:
 - a. A waiver of liability and assumption of risk related to the use of the Milwaukee Police Department range.
 - b. Acknowledgement that obtaining authorization to carry a firearm from the Department shall not under any circumstances be considered as being granted any arrest or law enforcement authority (implicit or implied, local or national) and that any action taken would be limited to that which is available to an ordinary citizen as authorized by law. Retirees are not authorized to act in the capacity of a law enforcement officer of the Milwaukee Police Department.
 - c. A certification that the retiree has read and is familiar with the Milwaukee Police Department Law Enforcement Safety Act of 2004 (HR-218) Certification Policy and the Law Enforcement Safety Act of 2004 and that they are a qualified retired law enforcement officer as defined by the Act.
 - d. A certification that the retiree is not prohibited from purchasing or possessing a firearm by either Federal or State law.
 - e. A pledge to indemnify, defend and hold harmless the City of Milwaukee and the Milwaukee Police Department and its employees in any and all actions related to carrying a firearm as authorized by the Law Enforcement Safety Act of 2004.

3. Pay a non-refundable fee of \$100, plus any additional expenses set by the Milwaukee Police Department, to cover the cost of the firearms qualification session, processing, and verifying qualifications.
4. Successfully complete and pass the firearms qualification course to the same standards as currently required for active duty members. No practice or remediation sessions will be conducted. Retirees who fail may apply for a future qualification session at an additional cost.
5. Retirees are limited to the following firearms and ammunition for certification:
 - a. All handguns are subject to inspection and approval by range staff.
 - b. Handguns must be suitable for law enforcement, including both semi-auto pistols and revolvers, and are limited to calibers between .38 and .45 with a 6-inch barrel or less.
 - c. Ammunition must be suitable for law enforcement and is limited to that which travels at 1300 feet per second or less and is not armor piercing.
 - d. Retirees must furnish 100 rounds of approved factory specified ammunition, at least one extra speed loader or magazine and the appropriate holster for the handgun used in qualification.
 - e. Certification is limited to one specific manufacturer and caliber of handgun (e.g. Glock .40 caliber).
6. The retiree must apply for certification each year; certification is only valid for a period of one (1) year following the date on which certification was granted. Within thirty (30) days prior to expiration of certification, the retiree shall successfully complete the firearms qualification course, complete a new application, and submit a new application fee of \$100, plus any additional expenses to verify qualifications. Re-certification procedures shall be the same as those for initial certification.
7. Provide a signed certification of residency, together with appropriate documentation of proof of residency in the State of Wisconsin.

B. MILWAUKEE POLICE DEPARTMENT RESPONSIBILITIES

1. Review the release, waiver, and assumption of risk document with retirees.
2. Clearly inform the retirees that issuance of Law Enforcement Safety Act certification does not confer any authority to act as a law enforcement officer or an agent of the City of Milwaukee or the Milwaukee Police Department.

3. Provide each attendee with a copy of the Law Enforcement Safety Act of 2004 (HR 218) and relevant Wisconsin Statutes related to self-defense and use of force by civilians. Retirees have been trained in and enforced local, state, and federal statutes throughout their careers and are responsible for knowing, understanding and complying with all applicable statutes relating to the carrying of concealed firearms. Retirees are also responsible for applicable state statutes of other states in which the retiree travels or resides.

The Milwaukee Police Department will **NOT** provide instruction or interpretation of either the Law Enforcement Safety Act or relevant state statutes.

4. Provide state certified Milwaukee Police Department approved firearms instructors to administer the firearms qualification course.
5. Conduct criminal and local agency background checks at the expense of the retiree.
6. Request as necessary health care records or competency examinations at the expense of the retiree.
7. Verify residency as necessary at the expense of the retiree.

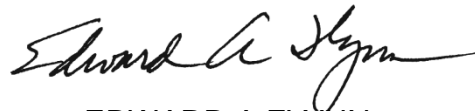
V. CERTIFICATION ON RETIREE IDENTIFICATION CARD

The Milwaukee Police Department will certify compliance with the Law Enforcement Safety Act on the retiree identification card as described in U.S.C. Title 18, Chapter 44, Section 926C(d)(1). This card must be carried whenever the retiree is carrying a concealed firearm. At a minimum the card will contain the following:

- A recent photo of the retiree.
- The manufacturer and caliber of firearm with which the retiree qualified.
- The date the retiree successfully completed the firearms qualification course.
- The expiration date of the certification.

VI. DISCLAIMERS/LIABILITY

- A. The Department shall assume no liability for falsification of any information provided by the retiree.
- B. The Department or City of Milwaukee will not provide legal representation or indemnification for a retiree for any act arising from the use of a firearm authorized under this policy.



EDWARD A FLYNN
CHIEF OF POLICE